

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by amending the condition presently binding upon certain property previously conditionally zoned INPUD, Institutional Planned Unit Development District, by deleting the proffered condition presently binding on the subject property and applying new proffered conditions to the subject property; and dispensing with the second reading by title of this ordinance.

WHEREAS, the City of Roanoke has made application to the Council of the City of Roanoke, Virginia ("City Council"), to amend the condition presently binding upon a tract of land located at 2102 Grandin Road, S.W., being designated as Official Tax No. 1460101, which property was previously rezoned INPUD, Institutional Planned Unit Development District, with a proffer, by the adoption of Ordinance No. 36795-071904, adopted July 19, 2004;

WHEREAS, the City of Roanoke seeks to have the subject property zoned INPUD, Institutional Planned Unit Development District, with proffers as set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on December 23, 2005;

WHEREAS, the City of Roanoke Public School Administration held four (4) community engagement meetings on November 17, November 22, December 1, and December 12, 2005, on the campus of Patrick Henry High School to solicit input from the community on the design of a school sports stadium on the subject property;

WHEREAS, at its public meeting held on December 19, 2005, the School Board of the City of Roanoke voted to approve the proffers as set forth in the First Amended Petition to Amend

Proffers filed in the City Clerk's Office on December 9, 2005;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter on December 21, 2005, has made its recommendation to Council;

WHEREAS, a Second Amended Petition to Amend Proffers reflecting the proffers as revised by the City of Roanoke at the public hearing conducted by the City Planning Commission on December 21, 2005, was filed in the City Clerk's Office on December 23, 2005;

WHEREAS, a public hearing was held by City Council on such application at its meeting on January 17, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment;

WHEREAS, this Council is of the opinion that the proposed amendment of proffers promotes adequate convenience of access and safety from fire and crime; reduces or prevents congestion in the public streets; facilitates the creation of a convenient, attractive and harmonious community; allows a neighborhood school to serve better the needs of the citizens who live in the area of the school; encourages high school students who attend Patrick Henry High School to take part in interscholastic sports and engage in other athletic activities; ensures that the athletic facilities will be more compatible with the surrounding neighborhood; facilitates the provision of adequate police and fire protection, schools, parks, recreational facilities, and other public requirements; protects against danger and congestion in travel and transportation; encourages economic development activities that provide desirable employment and enlarge the tax base; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters

presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the amending of the proffers pertaining to the subject property, and that the amending of the proffers is consistent with Vision 2001 – 2020, the City's Comprehensive Plan, and for those reasons, this Council is of the opinion that the condition now binding upon a tract of land located at 2102 Grandin Road, S.W., being designated as Official Tax No. 1460101, should be amended as requested, and that such property be zoned INPUD, Institutional Planned Unit Development District, with proffers as set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on December 23, 2005.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect the changes in proffered conditions as shown in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on December 23, 2005, so that the subject property is zoned INPUD, Institutional Planned Unit Development District, with such proffers.
2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.